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Form PTO-1449 Substitute Application Number 10/037,415 U.S. Department of Commerce Patent and Trademark Office Filing Date January 4, 2002 David Baltimore First Named Inventor INFORMATION DISCLOSURE STATEMENT et al. 1636 Art Unit JUL 1 8 2008 (Use several sheets if necessary) Examiner Name Attorney Docket No. 75723-ZB/JPW/GJG NON PATENT LITERATURE DOCUMENTS  $\overline{T^2}$ Examiner Cite Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item No.1 Initials<sup>\*</sup> (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. December 16, 2005 Condensed Deposition of Laurie H. Glimcher in Civil Case 02 CV 11280 RWZ including deposition Exhibits 1-13 attached with this Third Supplemental Information Disclosure Statement, namely: Curriculum Vitae of Laurie H. Glimcher [DDX 385 12/16/05]; Glick and Opal, Review Article Drugs, (2004), 837-859 [DDX388 12/16/05 & Opal 105]; Opal and Huber, Critical Care, (2002), 6:125-136 /C.H./ [DDX389 12/16/05]; Joyce et al., The Journal of Biological Chemistry, (2001), 276:11199-11203 [DDX390 12/16/05]; Joyce and Grinnell, Crit. Care Med, (2002), 30:S288-S293 [DDX391 12/16/05]; Brun-Buisson et al., JAMA, (1995), 274:968-974 [DDX392 12/16/05]; Joyce et al., The Journal of Biological Chemistry, (2001), 276:11199-11203 [DDX393 12/16/05]; Brueckmann et al., Inflamm. Res. (2004), 528-533 [DDX394 |12/16/05]; Leeuwen et al., Crit Care Med (2001), 29:1074-1077 [DDX395 12/16/05]; Derhaschnig et al., Blood. (2003), 102:2093-2098 [DDX396 12/16/05]; Kalil et al., Chock, (2004), 21:222-229 [DDX397 12/16/05]; Nick et al., Blood, (2004), 104:3878-3885 [DDX398 12/16/05]; Dhainaut, Crit Care Med. (2004) 32Supp:S194-S201 [DDX399 12/16/05]; July 16, 2007 Memorandum In Support of Eli Lilly And Company's Motion To Stay Entry of Judgement Pending /C.H./ Reexamination or For Settlement of Form of Final Judgement, Document 409, filed 07/16/2007, pgs. 1-18 in Civil Case 02 CV 11280 RWZ; August 22, 2007 Reply Memorandum In Support of Eli Lilly And Company's Motion To Stay Entry of Judgement Pending /C.H./ Reexamination or For Settlement of Form of Final Judgement, Document 414, filed 08/22/2007, pgs. 1-11, including Exhibits 2-6 in Civil Case 02 CV 11280 RWZ; /C.H./ September 10, 2007 Final Judgement, Document 417, filed 09/10/2007, pgs. 1-5 in Civil Case 02 CV 11280 RWZ; **EXAMINER** /Catherine Hibbert/ 04/14/2009

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). Applicant is to place a checkmark here if English language Translation is attached.

DATE CONSIDERED

Applicants: David Baltimore, et al.

Serial No.: 10/037,415 Filed: January 4, 2002

Exhibit A

## Form PTO-1449 Substitute U.S. Department of Commerce Patent and Trademark Office

## INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)

Application Number	10/037.415
	January 4, 2002
F71	David Baltimore
First Named Inventor	et al.
Art Unit	1636
Examiner Name	<u>Brimerinā</u>
Attorney Docket No.	75723-ZB/JPW/GJG

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/C.H./ 6 P J i J S S O C R d i S P a K f S S H H H 1 C	September 23, 2007 Memorandum In Support of Defendant's Renewed Motion For Judgment As A Matter Of Law Or, In The Alternative, A New Trial, Document 420, filed 09/23/2007, pgs. 1-53, including Exhibit 2 in Civil Case 02 CV 11280 RWZ;	
/C.H./ 7 S S O C C R d i S P a K f S S S S S H H H 1 C C	July 16, 2007 Declaration Of Laura P. Masurovsky For Eli Lilly And Company's Motion To Stay Entry Of Judgment Pending Reexamination Or For Settlement Of Form of Final Judgment, Document 410, filed 07/16/2007, pgs. 1-2, including Exhibits 2-13 in Civil Case 02 CV 11280 RWZ;	
/C.H./ di S P a K f S 5 8 H H 1 C	July 26, 2007 Plaintiffs' Opposition To Lilly's Motion To Stay Entry Of Judgment Pending Reexamination or for 7 Settlement of Form of Final Judgement, Document 411, filed 07/26/2007, pgs. 1-11, including Exhibit 2 in Civil Case 02 CV 11280 RWZ;	
2  i  U  H  F	Rule 26(A)(2) Rebuttal Report of Thomas R. Kadesch, Ph.D. dated October 21, 2005 in Civil Case 02 CV 11280 RWZ including Exhibits 1-71 attached with this Fourth Supplemental Information Disclosure Statement, namely: U.S. Patent No. 5,500,365, issued March 19, 1996, Fischhoff et al.; U.S. Patent No. 5,625,136, issued April 29, 1997, Koziel et al.; File History of U.S. Serial No. 08/418,266, filed April 6, 1995; U.S. Patent No. 5,804,374, issued September 8, 1998, Baltimore et al.; U.S. Patent No. 5,939,421, issued August 17, 1999, Palanki et al.; File History of 06/946,365, filed December 24, 1986; File History of U.S. Serial No. 06/817,441, filed January 9, 1986; U.S. Patent No. 6,060,310, issued May 9, 2000, Cho-Chung; File History of U.S. Serial No. 07/791,898, issued November 13, 1991; U.S. Patent No. 6,410,516, issued June 25, 2002, Baltimore et al.; U.S. Patent No. 6,841,371, issued January 11, 2005, Gerlitz et al.; File History of U.S. Serial No. 07/155,207, filed February 12, 1988; File History of U.S. Serial No. 07/162,680, filed March 1, 1988; File History of U.S. Serial No. 07/162,680, filed March 1, 1988; File History of U.S. Serial No. 07/280,173, filed December 5, 1988;	

examiner /Uatherine Hibbert/
signature date considered

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## INFORMATION DISCLOSURE STATEMENT

Application Number	10/037,415		
Filing Date	January 4, 2002		
First Named Inventor	David Baltimore et al.		
Art Unit	1636		
Examiner Name	<del></del>		
Attorney Docket No.	75723-ZB/JPW/GJG		

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	File History of U.S. Serial No. 07/318,901, filed March 3, 1989; File History of U.S. Serial No. 07/341,436, filed April 21, 1989; Arruda et al., Blood (2005) 105:3458-3464; Kline et al., Int. J. Immunopharmac. (1984) 6:467-473;	
/C.H./	Ballard et al., Cell (1990) 63:803-814; Bass et al., Proteins: Structure, Function & Genetics (1990) 8:309-314; Berns et al., Breast Cancer Research & Treatment (1984) 4:195-204; Boda et al., Folia Biologica (1987) 33:93-97;	
8 con t.	Bressler et al., Journal of Virology (1993) 67:288-293; Brown et al., Methods in Enzymology (1979) 68:109-151; Brown et al., Science (1995) 267:1485-1488; Cai et al., The Journal of Biological Chemistry (1997) 272:96-101; Cunningham and Wells, Science (1989) 244:1081-1085; Davis et al., Science (1991) 253:1268-1271; Du et al., Molecular Brain Research (2005) 136:177-188; Esslinger et al., The Journal of Immunology (1997) 158:5075-5078; Curriculum Vitae of Thomas Robert Kadesch dated 4/26/05; Fenteany et al., Science (1995) 268:726-731; Fiedler et al., Am. J. Respir. Cell Mol. Biol. (1998) 19:259-268; Fujihara et al., The Journal of Immnology (2000) 165:1004-1012; Gallop et al., J. Of Medicinal Chemistry (1994) 37:1233-1251; Gehrt et al., The Journal of Antibiotics (1998) 51:455-463; Gesner et al., Journal of Cellular Physiology (1988) 136:493-499; Gill and Ptashne, Nature (1988) 334:721-724; Haskill et al., Cell (1991) 65:1281-1289; Horuk R., Journal of Immunological Methods (1989) 119:255-258; Hoyos et al., Science (1989) 244:457-460; Kawamura et al. Gene Therapy (2001) 905-912; Khaled et al., Clinical Immunology (1998) 86:170-179; Krappmann et al., The EMBO Journal (1996) 15:6716-6726; Kumar et al., Oncogene (1998) 17:913-918; Lenardo and Baltimore, Cell (1989) 58:227-229; Lloyd et al., Nature (1991) 352:635-638; Logeat et al., The EMBO Journal (1991) 10:1827-1832; LyB et al., The Journal of Biological Chemistry (1998) 273:33508-33516; McKinney et al., The Journal of Biological Chemistry (1997) 272:22377- 22380; McKnight and Kingsbury, Science (1982) 217:316-324; Meng et al., Proc. Natl. Acad. Sci. USA, (1999) 96:10403- 10408; Morrishita et al., Nature Medicine (1997) 3:894-899; Myers et al., Science (1986) 232:613-618;	

EXAMINER SIGNATURE /Catherine Hibbert/

DATE CONSIDERED

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/C.H./	11	Davis et al 02/03/2006,	., Science (1991) 253:12 in Civil Case 02 CV 112	68-1271, Doc 80 RWZ;	ument 198,	
/C.H./	12	Haskill, et filed 02/03	al., Cell (1991) 65:128 /2006, in Civil Case 02	1-12889, Doc CV 11280 RWZ	ument 198,	
/C.H./	13	March 3, 20	04 Memorandum Of Decisio	n And Order	on claim	

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Prescott, paragraphs 16-18;

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DATE CONSIDERED

04/14/2009

November 11, 2005 Reply Expert Report of Dr. Stephen

<sup>\*</sup>EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). Applicant is to place a checkmark here if English language Translation is attached.

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/Catherine Hibbert/

Form P7	ro-1	449 Substitute U.S. Department of Co	mmerce	Application Number	10/037,415		
		Patent and Trademark	Office	Filing Date	January 4, 20		
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				Attorney Docket No.	75723-ZB/JPW,	/GJG	
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/C.H./	17	ovember 11, 2005 Rule 26(b)(2) Reply Report of David M. ivingston, M.D., pages 17-18;					
/C.H./	18	November 22, 2005 Condensed Deposition of Stephen Prescott in Civil Case 02 CV 11280 RWZ, page 226, line 24 - page 242, line 25 and page 262, line 9 - page 267, line 20;					
/C.H./	19	November 30, 2005 Condensed Deposition of Jeffrey V. Ravetch in Civil Case 02 CV 11281 RWZ, page 40, line 8 - page 58, line 25;					
/C.H./	20	Trial Transcript - April 26, Session in Civil Case 02 CV 1 and page 124, line 16;	2006 J 1281 R	ury Trial Da WZ, page 112	y 12, Second , line 10		
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/C.H./	24	October 11, 2007 Wyeth's Second Set of Requests For Production of Documents And Things (Nos. 22-101) To Ariad, Carvard, MIT, and Whitehead in Civil Action No. 06-259 MPT);					
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/C.H./		October 15, 2007 The Amgen Entities' Responses to Ariad's Fourth Set of Requests For Production of Documents in Civil Action NO. 06-259 (MPT);					
/C.H./	28	October 31, 2007 Wyeth's Fourth Set of Supplemental Responses And Objections To Ariad's First Set of Interrogatories (Nos. 1-25) in Civil Action No. 06-259 (MPT);					
/C.H./	29	October 31, 2007 Ariad's And The Institutions' Responses And Objections To Wyeth's First Set of Interrogatories in Civil Action No. 06-259 (MPT);					
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/C.H./	32	Admission (	Nos. 1-160)	n's First Set To Ariad, Ha	rvard, MIT,	for and	
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/C.H./	37	November 12, 2007 Wyeth's Responses And Objections To Ariad And The Institutions' Second Set of Interrogatories (Nos. 26-29) in Civil Action No. 06-259 (MPT);					
/C.H./	38	November 13, 2007 Defendant And counterclaim Plaintiff Ariad's Fourth Set of Requests For Production of Documents And Things to Wyeth in Civil Action No. 06-259 (MPT);					
/C.H./	39	November 15, 2007 Ariad's And The Institutions' Responses And Objections To Wyeth's Second Set of Interrogatories in Civil Case No. 06-259 (MPT);					
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/C.H./	46	October 19, 2007 Counterclaim Plaintiffs Ariad's And The Institutions' Third Set of Interrogatories To The Amgen Entities in Civil Action No. 06-259 (MPT);					
/C.H./		October 22, 2007 Wyeth's Third Set of Interrogatories To Ariad, The President And Fellows of Harvard College, The Massachusetts Institute of Technology, And The Whitehead Institute For Biomedical Research in Civil Action No. 06-259 (MPT);					
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51	on Amgen's Motion to ARIAD's Counterclaim Inc. et al. v. Ariad District Court for t	s in the litigat I Pharmaceutical:	lement Their tion caption s, <i>Inc.</i> , et	Reply to ed Amgen, al., U.S.								
/C.H./   52	January 18, 2008 Expert Report of Jeffrey V. Ravetch, M.D., Ph.D. in the litigation captioned Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc., et al., U.S. District Court for the District of Delaware, CA No. 06-259-MPT;											
/C.H./ 53	January 18, 2008 Expert Report of Randolph Wall, Ph.D. in the litigation captioned Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc., et al., U.S. District Court for the District of Delaware, CA No. 06-259-MPT;											
/C.H./	October 21, 2005 Rule 26(A)(2) Rebuttal Report of Thomas R. Kadesch, Ph.D. in the litigation captioned Ariad Pharmaceuticals, Inc. et al. v. Eli Lilly and Co., U.S. District Court for the District of Massachusetts, CA No. 02 CV 11280 RWZ;											
/C.H./ <sub>55</sub>	June 21, 2007 Deposi Kadesch in the litig <i>Hoffmann-La Roche Lt</i> District of Massachu	ation captioned d., et al., U.S.	Amgen, Inc. District Co	v. F.								
/C.H./ 56	November 6, 2007 Tra Patricia Granahan, S Action No. 06-259 (M 08/464,364 (Pat. No. Dep. Exh. 195; 2) 08 Ariad Plaintiffs Dep Ariad Plaintiffs Dep Ariad Plaintiffs Dep Ariad Plaintiffs Dep Ariad Plaintiffs Dep	c.D., pgs. 1-239 PT), including 16,410,516) [Amodulate 16,410,516] [	A.1-A.23 i) file histogen v. Ariad No. 6,150,090 08/418,266 07/341,436 06/946,365 07/318,901	, in Civil ory of: 1) Plaintiffs 0) [Amgen v. [Amgen v. [Amgen v. [Amgen v.								
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/C.H./	58	November 9, Vincent, in	2007 (Draf Civil Acti	Transcript on No. 06-25	of Matthew (MPT);	Perry	
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/C.H./	60	November 29, 2007 Transcript of D Volume I, pgs. 2-150 & A.1-A.16 i (MPT);	eposition of L n Civil Action	aurie Allen, No. 06-259	
/C.H./	61	November 30, 2007 Transcript of D Volume II, pgs. 151-271 & A.1-A.1 259 (MPT);	eposition of L 3 in Civil Act	aurie Allen, ion No. 06-	
/C.H./	62	December 14, 2007 Transcript of V Harvey J. Berger, M.D., pgs. 1-14 Action No. 06-259 (MPT);	ideotaped Depo 6 & A.1-A.17 i	sition of n Civil	
/C.H./	63	December 12, 2007 Transcript of V Lita Nelsen, pgs. 2-222 & A.1-A.2 259 (MPT)	ideotaped Depo 3 in Civil Act	sition of ion No. 06-	

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). Applicant is to place a checkmark here if English language Translation is attached.

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/C.H./	64	December 18, 2007 Tra Clauss, Volume I, pgs 06-259 (MPT);	nscript of Dep . 1-100 & A.1-	osition of I A.10 in Civi	sabelle l Action No.	
/C.H./	65	February 22, 2008 Exp M.D., in Civil Action	ert Report of No. 06-259 (M	David M. Liv PT);	ingston,	
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/C.H./	67	February 22, 2008 Reb Ph.D., in Civil Actio	uttal Expert R n No. 06-259 (	eport of Rand	dolph Wall,	
/C.H./	68	March 7, 2008 Reply Expert Report of Warner Craig Greene, M.D., Ph.D., in Civil Action No. 06-259 (MPT);				
/C.H./	69	December 11, 2007 Amgen Entities' first Amended Reply to Ariad, Harvard, MIT, And Whitehead's Amended Counterclaims, in Civil Action No. 06-259 (MPT);				
/C.H./	70	January 22, 2008 Tele Thynge, U.S. Magistra (MPT);	phone Conferen te Judge, in C	ce before Ma ivil Action	ry Pat No. 06-259	
/C.H./	71	February 8, 2008 Defe And The Institutions' Motion To Amend Count (MPT);	Memorandum of	Law In Supp	ort of Their	
/C.H.:	72	February 8, 2008 Declaration of David Greenwald In Support of Defendants-Counterclaim-Plaintiffs Ariad's And The institutions' Motion to Amend Counterclaims, in Civil Action No. 06-259 (MPT);				
/C.H <i>.i</i>	73	March 7, 2008 Defenda And The Institutions; Reply Memorandum in S Counterclaims, Civil	Reply Memoranupport of Thei	dum In Suppo r Motion to A	rt of Their	
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/C.H./	74	February 22, M.D., in Civ	2008 Expert Report	of 9 (M	James Mark ( PT);	Jackson,	
/C.H./	75	February 20, 2008 Condensed Transcript of Harvey Berger in the litigation captioned Amgen, Inc. Et al. v. Ariad Pharmaceuticals, Inc. et al., U.S. District Court for the District of Delaware, CA No. 06-259-MPT;					
/C.H./	76	March 7, 2008 Reply Expert Report of Randolph Wall, Ph.D. in the litigation captioned Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc., et al., U.S. District Court for the District of Delaware, CA No. 06-259-MPT;					
/C.H./	77	February 20, 2008 Condensed Transcript of Harvey Berger in the litigation captioned Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc., et al., U.S. District Court for the District of Delaware, CA No. 06-259-MPT;					
/C.H./	78	March 5, 2008 Reply Expert Report of Jeffrey M. Ravetch, Ph.D. in the litigation captioned Amgen, Inc. et al. v. Ariad Pharmaceuticals, Inc., et al., U.S. District Court for the District of Delaware, CA No. 06-259-MPT;					
/C.H./	79	October 30, 2007 Memorandum In Support of Eli Lilly And Company's Motion For Relief From Judgment Under Fed. R.  Civ. P. 60(b) And for Additional Discovery, Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co, U.S. District Court for the District of Massachusetts, in Civil Action No. 02-11280 RWZ;					
/C.H./	80	Motion For C Alternative, Eli Lilly &	2007 Plaintiffs' Or Judgment As A Matter A New Trial, Ariad Co, U.S. District Co	of Pha ourt	Law Or, In T rmaceuticals for the Dis	The s, Inc. v. strict of	

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## 10/037,415 Form PTO-1449 Substitute **U.S. Department of Commerce** Application Number Patent and Trademark Office Filing Date January 4, 2002 David Baltimore First Named Inventor et al. INFORMATION DISCLOSURE STATEMENT 1636 Art Unit (Use several sheets if necessary) Examiner Name 75723-ZB/JPW/GJG Attorney Docket No. NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item Examiner Cite (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city Initials No. and/or country where published. December 5, 2007 Opposition To Eli Lilly And Company's Motion For Relief From Judgment Under Fed. R. Civ. P. 60(b) /C.H./ (Redacted version of document filed under seal), including Exhibits 1-7, Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co, U.S. District Court for the District of Massachusetts, in Civil Action No. 02-11280 RWZ; December 13, 2007 Reply In Support of Defendant's Renewed Motion For Judgment As a Matter of Law Or, In the /C.H./ 82 Alternative, A New Trial, Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co, U.S. District Court for the District of $\cdot$ Massachusetts, in Civil Action No. 02-11280 RWZ; December 26, 2007 Sur-Reply In Support of Plaintiff's /C.H./ Opposition To Defendant's Renewed Motion For Judgment As a Matter Of Law Or, In The Alternative, A New Trial, Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co, U.S. District Court for the District of Massachusetts, in Civil Action No. 02-11280 RWZ; February 8, 2008 Notice Of Supplemental Authority, 84 including attachment, Ariad Pharmaceuticals, Inc. v. Eli /C.H./ Lilly & Co, U.S. District Court for the District of Massachusetts, in Civil Action No. 02-11280 RWZ; March 10, 2008 Notice of Appeal, Ariad Pharmaceuticals, 85 Inc. v. Eli Lilly & Co, U.S. District Court for the

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District of Massachusetts, in Civil Action No. 02-11280

District of Massachusetts, in Civil Action No. 02-11280

Index of Civil Docket For Case No.: 1:02-cv-11280-RWZ

87 starting from July 6, 2007, Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co., U.S. District Court for the District of

86 Inc. v. Eli Lilly & Co, U.S. District Court for the

March 18, 2008 Notice of Docketing, Ariad Pharmaceuticals,

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Form P	Г <b>О-</b> 1	449 Substitute U.S. Department of Commerce	Application Number	10/037,415		
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/C.H./	88	April 25, 2008 Defendants-Counterc Brief on Claim Construction, U.S. District of Delaware, CA No. 06-25	District Cour	fs' Opening t for the		
/C.H./		April 25, 2008 The Amgen Entities' Their Motion For Summary Judgment U.S. Patent No. 6,410,516, U.S. Di District of Delaware, in Civil Act Confidential Filed Under Seal;	of Noninfring strict Court	ement of for the		
/C.H./		April 25, 2008 The Amgen Entities' Brief In Support of Their Motion to Preclude Ariad's Proffered Experts on Willfulness and Inequitable Conduct From Opining on Intent, State of Mind, and Other Matters, U.S. District Court for the District of Delaware, in Civil Action No. 06-259 (MPT) Public Version Confidential Material Omitted;				
/C.H./		April 25, 2008 The Amgen Entities' Their Daubert Motion To Preclude C Unreliable Opinions of Dr. Ryan Su Damages, U.S. District Court for t in Civil Action No. 06-259 (MPT) P Confidential Material Omitted;	ertain Unsupp llivan Relati he District o	orted and ng to f Delaware,		
/C.H./		April 25, 2008 The Amgen Entities' Brief In Support of Its Daubert Motion To Preclude Certain Proffered Opinions of Dr. Jeffrey V. Ravetch Relating to Written Description and Inherent Anticipation, U.S. District Court for the District of Delaware, in Civil Action No. 06-259 (MPT);				
/C.H./	a s	April 25, 2008 Memorandum In Support of Defendants- Counterclaim-Plaintiffs' Motion for Partial Dismissal For Lack of Subject Matter Jurisdiction, U.S. District Court for the District of Delaware, CA No. 06-259-MPT;				
/C.H./	94	April 25, 2008 Covenant Not To Sue the District of Delaware, CA No. 0				
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